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11 Attorneys for Plaintiffs
12 ALPHA & OMEGA SEMICONDUCTOR, LTD.
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13
14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN FRANCISCO DIVISION
17

18 ALPHA & OMEGA SEMICONDUCTOR,
LTD., a Bermuda corporation; and
19 ALPHA & OMEGA SEMICONDUCTOR,
INC., a California corporation,

20 Plaintiffs,

21 v.

22 FAIRCHILD SEMICONDUCTOR, a
23 Delaware corporation,

24 Defendant.
25

Case No. C 07-2638 JSW

**ADMINISTRATIVE MOTION TO
CONSIDER WHETHER CASES SHOULD
BE RELATED**

**FILED BY AOS IN THE EARLIEST FILED
CASE (CASE NO. C 07-2638 JSW) AND
LODGED IN THE LATER FILED CASE
(CASE NO. C 07-2664 PJH)**

[Civ. L.R. 3-12]

26 Pursuant to N.D. Cal. Civil Local Rules 3-12 and 7-11, plaintiffs ALPHA & OMEGA
27 SEMICONDUCTOR, LTD. and ALPHA & OMEGA SEMICONDUCTOR, INC. (jointly
28

1 “AOS”) respectfully submit this Administrative Motion to Consider Whether Cases Should Be
2 Related.

3 The above-captioned case (the “AOS” action), filed on May 17, 2007, and the
4 subsequently filed case of *Fairchild Semiconductor Corp. v. Alpha & Omega, Inc., et. al*, Case
5 No. 07-2664 PJH (the “Fairchild” action), filed on May 18, 2007, are “related cases” as defined
6 by Civil Local Rule 3-12(a).

7 First, the two cases involve the exact same parties, substantially the same patents, and
8 substantially the same events. *See* Civ. L.R. 3-12(a)(1). In the first-filed AOS action, plaintiffs
9 AOS seek, among other claims for relief, a declaratory judgment of non-infringement of U.S.
10 Patent Nos. 6,429,481 and 6,710,406. In the *Fairchild* action, plaintiff Fairchild alleges
11 infringement by AOS of these same two patents as well as two related patents.

12 Second, if the cases are conducted before different judges, there will likely be a
13 burdensome duplication of labor and expense for both the parties and the Court. *See* Civ. L.R. 3-
14 12(a)(2). Much of the discovery that will be requested by the parties will be necessary and
15 requested in each action, as will briefing regarding claims construction, patent invalidity, patent
16 unenforceability, infringement, and other shared legal questions. Moreover, conducting these
17 cases before different judges raises the potential for conflicting results in substantially similar
18 cases.

19 Counsel for Fairchild has stated that Fairchild does not oppose this motion. (*See*
20 Declaration of Daniel Johnson, Jr. In Support of Administrative Motion to Consider Whether
21 Cases Should Be Related at ¶ 2.) AOS therefore respectfully request that the cases be deemed
22 “related” and assigned to the judge in the earlier-filed suit, the AOS action.

23
24 Dated: June 12, 2007

MORGAN, LEWIS & BOCKIUS LLP

25 By /s/ Daniel Johnson, Jr.

26 Daniel Johnson, Jr.
27 Attorneys for Plaintiffs
ALPHA & OMEGA SEMICONDUCTOR,
LTD. AND ALPHA & OMEGA
SEMICONDUCTOR, INC.